

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 17-22147-GLT
: Chapter: 7
Ronald S. Jones :
:
:
:
Debtor(s). : Date: 4/2/2020
: Time: 10:30

PROCEEDING MEMO

MATTER: #116 - Motion for Relief from Stay Filed by Freedom
Mortgage Corporation
#120 - Response filed by Trustee

APPEARANCES:

Debtor: Glenn R. Bartifay
Trustee: Samuel Grego
Freedom: Jodi Hause

NOTES: (10:57)

Hause: My client has a first priority lien, and the debtor has failed to make monthly payments since January 2020. Some of the monthly payments are for taxes, and our worry is that the equity will be reduced.

Grego: The Shearer Adversary has been on hold since the trial in the Patak v. Jones adversary last September. All along Mr. Shearer brought that action to protect all the creditors in this estate. We don't know how much the debtor is in arrears or how much past due the taxes are.

Court: Assuming I grant the stay relief, given where the state of affairs are re: the PA State Court system - how soon could you possibly schedule a foreclosure sale?

Hause: We don't have a lot of guidance at this point, but since this is their residence there is going to be a 60 day stay on any foreclosure anyway. When the motion was filed, we weren't aware a pandemic was going to happen. The arrears are \$9,600, and it does include an escrow for taxes.

Court: You are the first mortgage holder, has there been any concern or issue with the FMV listed on the schedules?

Hause: We don't have an appraisal, and we relied on the BPO. There may be some equity, that's correct.

Court: I'm sensitive that there's nothing coming in and that there are taxes being advanced. But there is more than enough equity to protect Freedom (as the holder of the first mortgage) and likely the second as well. And given the current circumstances, Freedom will likely be unable to do anything in state court any time soon if stay relief were granted. Consequently, I will continue for 60 days.

Bartifay: Debtor indicated he was current through the April payment. It sounds like the person who filed the motion didn't let Attny Hause know that.

Court: Why wasn't a response filed?

Bartifay: Debtor didn't apprise me of his current-ness until after the response date. He made the March 1 payment.

Hause: If that is indeed the case, we would withdraw the motion before the continued hearing.

OUTCOME:

1. Freedom Mortgage Corporation's *Motion for Relief from Stay* [Dkt. No. 116] is CONTINUED to June 4, 2020, at 10:00 a.m. [Text Order to Issue]

DATED: 4/2/2020